



February 6, 2009

## SENATE BILL No. 34

DIGEST OF SB 34 (Updated February 3, 2009 1:18 pm - DI 106)

**Citations Affected:** IC 4-6; IC 11-12; IC 31-37; IC 35-44; IC 35-47; noncode.

**Synopsis:** Assisting a criminal. Transfers certain provisions concerning providing assistance to a criminal from the crime of assisting a criminal to the crime of obstruction of justice. Renames the crime of assisting a criminal to "assisting a fugitive." (The bill keeps existing provisions that make it a crime to harbor, conceal, or otherwise assist a fugitive from justice with the intent to hinder the apprehension or punishment of the fugitive). Makes assisting a fugitive a Class D felony, and enhances the penalty to a Class C felony if the assisting was providing a deadly weapon. Removes provisions that enhanced the penalty based on the crime that the fugitive or criminal had committed. Specifies that it is not a defense that the person: (1) has not been prosecuted; (2) has not been convicted; or (3) has been acquitted by reason of insanity. Provides that a person commits obstruction of justice if the person, knowing or having reason to believe that a person has committed a crime or delinquent act, and with the intent to hinder the apprehension or punishment of the person, harbors, conceals or assists in the unlawful flight of the person. Enhances the penalty to a Class C felony if the assistance was providing a deadly weapon, and specifies that the offense does not apply to the parent, spouse, or child of the person who is harbored, concealed, or assisted. Makes conforming amendments. (The introduced version of this bill was prepared by the sentencing policy study committee.)

**Effective:** July 1, 2009.

**Bray, Head**

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
February 5, 2009, amended, reported favorably — Do Pass.

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February 6, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 34

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-6-2-1.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. The attorney  
3 general has concurrent jurisdiction with the prosecuting attorney in the  
4 prosecution of the following:

5 (1) Actions in which a person is accused of committing, while a  
6 member of an unlawful assembly as defined in IC 35-45-1-1, a  
7 homicide (IC 35-42-1).

8 (2) Actions in which a person is accused of assisting a ~~criminal~~  
9 **fugitive** (IC 35-44-3-2) **or obstruction of justice under**  
10 **IC 35-44-3-4(6)**, if the person alleged to have been assisted is a  
11 person described in subdivision (1) of this section.

12 (3) Actions in which a sheriff is accused of any offense that  
13 involves a failure to protect the life of a prisoner in the sheriff's  
14 custody.

15 SECTION 2. IC 11-12-3.7-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this  
17 chapter, "violent offense" means one (1) or more of the following



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offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.
- (25) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**
- ~~(25)~~ **(26)** A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
- ~~(26)~~ **(27)** Any other crimes evidencing a propensity or history of violence.

SECTION 3. IC 31-37-4-3, AS AMENDED BY P.L.3-2008,  
SECTION 240, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
- (25) A controlled substances offense under IC 35-48.
- (26) A criminal gang offense under IC 35-45-9.
- (27) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the

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superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 4. IC 35-44-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A person not standing in the relation of parent, child, or spouse to another person who ~~has committed a crime or~~ is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a ~~criminal; a Class A misdemeanor; fugitive, a Class D felony.~~ However, the offense is ~~(1) a Class D felony if the person assisted has committed a Class B, Class C, or Class D felony; and (2) a Class C felony if the person assisted has committed murder or a Class A felony;~~ **or a Class C felony** if the assistance was providing a deadly weapon.

SECTION 5. IC 35-44-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning ~~him~~ **the person** to testify or supply evidence; or

(C) absent himself ~~or herself~~ from a proceeding or investigation to which ~~he~~ **the person** has been legally summoned;

(2) knowingly or intentionally in an official criminal **or juvenile delinquency** proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders ~~him~~ **the person** to produce the testimony, information, document, or thing;

(B) avoids legal process summoning ~~him~~ **the person** to testify or supply evidence; or

(C) absents himself ~~or herself~~ from a proceeding or investigation to which ~~he~~ **the person** has been legally summoned;

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(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; ~~or~~

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror; **or**

**(6) knowing or having reason to believe that a person has committed a crime or a delinquent act that would be a crime if committed by an adult, and with intent to hinder the apprehension or punishment of the person, harbors, conceals, or assists in the unlawful flight of the person;**

commits obstruction of justice, a Class D felony. **However, the offense is a Class C felony if the assistance given under subdivision (6) was providing a deadly weapon.**

(b) Subdivision (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as an:

(A) attorney;

(B) physician;

(C) member of the clergy; or

(D) husband or wife;

is not required to testify under IC 34-46-3-1.

**(c) Subsection (a)(6) does not apply to the:**

**(1) parent;**

**(2) child; or**

**(3) spouse;**

**of the person described in subsection (a)(6).**

SECTION 6. IC 35-47-4-5, AS AMENDED BY P.L.151-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious

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1 violent felony in:

2 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;

3 or

4 (B) any other jurisdiction in which the elements of the crime  
5 for which the conviction was entered are substantially similar  
6 to the elements of attempting to commit or conspiring to  
7 commit a serious violent felony.

8 (b) As used in this section, "serious violent felony" means:

9 (1) murder (IC 35-42-1-1);

10 (2) voluntary manslaughter (IC 35-42-1-3);

11 (3) reckless homicide not committed by means of a vehicle  
12 (IC 35-42-1-5);

13 (4) battery as a:

14 (A) Class A felony (IC 35-42-2-1(a)(5));

15 (B) Class B felony (IC 35-42-2-1(a)(4)); or

16 (C) Class C felony (IC 35-42-2-1(a)(3));

17 (5) aggravated battery (IC 35-42-2-1.5);

18 (6) kidnapping (IC 35-42-3-2);

19 (7) criminal confinement (IC 35-42-3-3);

20 (8) rape (IC 35-42-4-1);

21 (9) criminal deviate conduct (IC 35-42-4-2);

22 (10) child molesting (IC 35-42-4-3);

23 (11) sexual battery as a Class C felony (IC 35-42-4-8);

24 (12) robbery (IC 35-42-5-1);

25 (13) carjacking (IC 35-42-5-2);

26 (14) arson as a Class A felony or Class B felony  
27 (IC 35-43-1-1(a));

28 (15) burglary as a Class A felony or Class B felony  
29 (IC 35-43-2-1);

30 (16) assisting a ~~criminal~~ **fugitive** as a Class C felony  
31 (IC 35-44-3-2);

32 (17) resisting law enforcement as a Class B felony or Class C  
33 felony (IC 35-44-3-3);

34 (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);

35 (19) trafficking with an inmate as a Class C felony  
36 (IC 35-44-3-9);

37 (20) criminal gang intimidation (IC 35-45-9-4);

38 (21) stalking as a Class B felony or Class C felony  
39 (IC 35-45-10-5);

40 (22) incest (IC 35-46-1-3);

41 (23) dealing in or manufacturing cocaine or a narcotic drug  
42 (IC 35-48-4-1);

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(24) dealing in methamphetamine (IC 35-48-4-1.1);  
(25) dealing in a schedule I, II, or III controlled substance  
(IC 35-48-4-2);  
(26) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
or  
(27) dealing in a schedule V controlled substance (IC 35-48-4-4);  
or

**(28) obstruction of justice (IC 35-44-3-2) as a Class C felony.**

(c) A serious violent felon who knowingly or intentionally possesses  
a firearm commits unlawful possession of a firearm by a serious violent  
felon, a Class B felony.

SECTION 7. [EFFECTIVE JULY 1, 2009] **IC 35-44-3-2,  
IC 35-44-3-4, and IC 35-47-4-5, all as amended by this act, apply  
only to crimes committed after June 30, 2009.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-6-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

- (1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).
- (2) Actions in which a person is accused of assisting a ~~criminal~~ **fugitive** (IC 35-44-3-2) **or obstruction of justice under IC 35-44-3-4(6)**, if the person alleged to have been assisted is a person described in subdivision (1) of this section.
- (3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

SECTION 2. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

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- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.
- (25) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**
- ~~(25)~~ **(26)** A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
- ~~(26)~~ **(27)** Any other crimes evidencing a propensity or history of violence.

SECTION 3. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony



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- (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a ~~criminal~~ **fugitive** as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
- (25) A controlled substances offense under IC 35-48.
- (26) A criminal gang offense under IC 35-45-9.

**(27) Obstruction of justice (IC 35-44-3-2) as a Class C felony.**

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section."

Page 1, line 2, delete "(a)".

Page 1, line 4, strike "has committed a crime or".

Page 1, line 7, strike "criminal, a Class A misdemeanor." and insert **"fugitive, a Class D felony."**

Page 1, line 7, delete ":".

Page 1, strike lines 8 through 10.

Page 1, line 11, strike "or a Class A felony, or" and insert **"a Class C felony"**.

Page 1, run in lines 7 through 11.

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Page 1, delete lines 13 through 17, begin a new paragraph, and insert:

"SECTION 5. IC 35-44-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning ~~him~~ **the person** to testify or supply evidence; or

(C) absent himself **or herself** from a proceeding or investigation to which ~~he~~ **the person** has been legally summoned;

(2) knowingly or intentionally in an official criminal **or juvenile delinquency** proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders ~~him~~ **the person** to produce the testimony, information, document, or thing;

(B) avoids legal process summoning ~~him~~ **the person** to testify or supply evidence; or

(C) absents himself **or herself** from a proceeding or investigation to which ~~he~~ **the person** has been legally summoned;

(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; ~~or~~

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror; **or**

**(6) knowing or having reason to believe that a person has committed a crime or a delinquent act that would be a crime if committed by an adult, and with intent to hinder the apprehension or punishment of the person, harbors, conceals, or assists in the unlawful flight of the person;**

commits obstruction of justice, a Class D felony. **However, the offense is a Class C felony if the assistance given under subdivision (6) was**

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**providing a deadly weapon.**

(b) Subdivision (a)(2)(A) does not apply to:

- (1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or
- (2) a person who, as an:
  - (A) attorney;
  - (B) physician;
  - (C) member of the clergy; or
  - (D) husband or wife;

is not required to testify under IC 34-46-3-1.

**(c) Subsection (a)(6) does not apply to the:**

- (1) parent;**
- (2) child; or**
- (3) spouse;**

**of the person described in subsection (a)(6).**

SECTION 6. IC 35-47-4-5, AS AMENDED BY P.L.151-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
  - (A) Indiana; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
  - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery as a:
  - (A) Class A felony (IC 35-42-2-1(a)(5));
  - (B) Class B felony (IC 35-42-2-1(a)(4)); or
  - (C) Class C felony (IC 35-42-2-1(a)(3));
- (5) aggravated battery (IC 35-42-2-1.5);

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- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
- (16) assisting a ~~criminal~~ **fugitive** as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (24) dealing in methamphetamine (IC 35-48-4-1.1);
- (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- or
- (27) dealing in a schedule V controlled substance (IC 35-48-4-4);
- or
- (28) obstruction of justice (IC 35-44-3-2) as a Class C felony.**

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony."

Page 2, line 1, after "IC 35-44-3-2," insert "IC 35-44-3-4, and IC 35-47-4-5, all".

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Page 2, line 2, delete "applies" and insert "apply".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 34 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 3.

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